

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

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| DARREN KEYS | : | CIVIL ACTION |
| | : | |
| vs. | : | |
| | : | |
| DEPARTMENT OF JUSTICE | : | NO. 06-2837 |

MEMORANDUM

ROBERT F. KELLY, Sr. J.

FEBRUARY 13, 2007

On January 16, 2007, this Court filed a Memorandum and Order denying Darren Keys' Petition for Writ of Mandamus (Doc. No. 1), Emergency Petition for a Writ of Mandamus (Doc. No. 3), Emergency Omnibus Motion of Administrative Action, Motion of Review of Underlying Decision and Application for Relief Pending Judicial Review (Doc. No. 4) and Motion for Leave to Amend Petition (Doc. No. 5).

On February 5, 2007, Petitioner Darren Keys filed a "Petitioner's Emergency Omnibus Motion for Reconsideration to Avoid Miscarriage of Justice or in the Alternative Motion to Transfer Action to District Where Proper Under 28 USC § 1404".

RECONSIDERATION

A motion for reconsideration is appropriate only where: (1) there has been an intervening change in controlling law; (2) new evidence is available; or (3) there is need to correct a clear error of law or prevent manifest injustice. N. River Ins. Co. v. Cigna Reinsurance Co., 52 F.3d 1194, 1218 (3d Cir. 1995). However, such motions should only be granted sparingly. Armstrong v. Reisman, No. 99-4188, 2000 WL 288243 at *2 (E.D. Pa. Mar. 7, 2000).

The present Petition does not satisfy any of the above requirements for a Motion to Reconsider and will therefore be denied.

**MOTION TO TRANSFER ACTION TO DISTRICT
WHERE PROPER UNDER 28 U.S.C. § 1404**

§ 1404 of Title 28 is the change of venue section. It presupposes that the action has been brought in a proper venue but authorizes its transfer to another district, also proper, but also more suited to the convenience of the witnesses and the needs of justice. See commentary on 1996 Amendment of § 1404.

A transfer from an initially improper district is governed by 28 U.S.C. § 1406. § 1406(a) states:

“(a) The district court of a district in which is filed a case laying venue in the wrong division or district shall dismiss, or if it be in the interest of justice, transfer such case to any district or division in which it could have been brought.”

In dismissing the original Petition, I declined to transfer this case to another district. After considering the contents of the Petition it was my determination that it would not be in the interest of justice to transfer this case to another district.

We therefore enter the following Order.

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ORDER

AND NOW, this 13th day of February, 2007, the within Petition/Motion (Doc. No. 18) is hereby **DENIED**.

BY THE COURT:

/s/ Robert F. Kelly
ROBERT F. KELLY
SENIOR JUDGE